



# Board of County Commissioners (BCC)

## Zoning Meeting

~ Minutes ~

<http://www.bernco.gov>

Yvette Chavez  
505 468 7083

Tuesday, April 23, 2013

3:00 PM

Vincent E. Griego Chambers

### Call to Order

The Meeting was Called to Order at 03:00 PM

Attendee Name	Title	Status	Arrived
Maggie Hart Stebbins	Chair	Present	
Debbie O'Malley	Vice Chair	Present	
Art De La Cruz	Member	Present	
Lonnie Talbert	Member	Present	
Wayne A. Johnson	Member	Present	

### 1. Announcement of additions and changes to the agenda

Nano Chavez, Zoning, Building & Planning requests that

### 2. MINUTES APPROVAL

#### A. Minutes (ID # 2833)

Minutes of the March 26, 2013 Zoning Meeting

Presentation for approval of the March 26, 2013 Zoning Meeting

#### ATTACHMENTS:

- 03-26-13 zoning (PDF)

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Maggie Hart Stebbins, Chair  
**SECONDER:** Lonnie Talbert, Member  
**AYES:** Hart Stebbins, O'Malley, De La Cruz, Talbert, Johnson

### 3. APPROVAL OF CONSENT AGENDA

#### A. Zoning Memo (ID # 2812)

Csu-20130009 CONSENT: Special Use Permit for a Public Utility Facility (Water Reservoir)

Approval

At the March 6, 2013 public hearing, the County Planning Commission voted (5-1; Commissioner Barbour opposed, Commissioner Sanchez excused) to recommend approval of the request for a Special Use Permit for a Public Utility Facility (Water Reservoir) on proposed tract A-2, Northwest Tract, within the Town of Atrisco Land Grant, sections 20 and 21, T10N, R1E, approximately 2 miles west of Atrisco Vista Boulevard, zoned A-1 and

containing approximately 6.67 acres. The decision was based on the following nine (9) Findings and is subject to the following twelve (12) Conditions.

Findings:

1. This request is for a Special Use Permit for a Public Utility Facility (Water Reservoir) on proposed Tract A-2, Northwest Tract, within the Town of Atrisco Land Grant, sections 20 and 21, T10N, R1E, approximately 2 miles west of Atrisco Vista Boulevard, zoned A-1 and containing approximately 6.67 acres
2. The property is located in the Reserve Area of the Albuquerque/ Bernalillo County Comprehensive Plan.
3. The property is located in the Far West Mesa Community of the Westside Strategic Plan.
4. The request is consistent with the Reserve Area designation of the Albuquerque/Bernalillo County Comprehensive Plan and the Far West Mesa Community designation of the West Side Strategic Plan that both call for development of master planned communities and for service provisions for the communities.
5. The request is consistent with Resolution 116-86 in that the proposed land use is more advantageous to the community as articulated the Albuquerque/ Bernalillo County Comprehensive Plan Goal and Policies for water quality and service provision that call for adequate supply and quality of water resources.
6. This request is consistent with the health, safety, and general welfare of the residents of the County.
7. Due to the infrequent use of the site, gravel parking is appropriate and is consistent with other similar facilities developed by Bernalillo County Public Works and the Albuquerque Bernalillo County Water Utility Authority (ABCWUA).
8. The site is designed to accommodate future facilities that are anticipated to be required to meet the needs of future development in the area. The timing on the future facilities is dependent on development activity, ABCWUA priorities, and funding availability.
9. The site is currently located in an area that is undeveloped and not adjacent to a public street. In order to reduce the use of water and limit maintenance requirements, site landscaping and perimeter walls are not appropriate at this time.

Conditions:

- . Building permits will be required for the development on the site.
- . The improvements shall be phased with the initial construction being limited to the reservoir tank (and associated parking/access) as shown on the site plan. Additional facilities will be constructed as determined by the Albuquerque Bernalillo County Water Utility Authority based upon need and available funding.

- . Platting of the subject property shall be completed prior to final approval/sign off of the Site Plan by the Zoning Administrator.
- . A materials' handling plan and a vector control plan for the drainage pond shall be provided to the Office of Natural Resources for approval within 60 days of the final Board of County Commissioner's approval. A copy of the approval shall be provided to the Zoning, Building, and Planning Department.
- . The applicant shall obtain a Surface Disturbance Permit from the City of Albuquerque Environmental Health Department prior to any earth working activities involving a parcel of land  $\frac{3}{4}$  acre or more. A copy of the approval shall be provided to the Zoning, Building, and Planning Department.
- . The parking shall be developed in accordance with and as shown on the Site Plan.
- . A note shall be added to the Site Plan stating: Within six months of residential development of properties adjacent to the subject site, a 20 foot landscape buffer and six foot high solid wall or fence shall be established along the boundary adjacent to the residential development meeting the standards and definitions in the Bernalillo County Zoning Ordinance.
- . The applicant shall obtain approval from PNM regarding electrical service to the subject property. A copy of the approval shall be provided to the Zoning, Building, and Planning Department.
- . The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
- . The Special Use Permit shall be issued for life of the use.
- . A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months after the final approval of the Board of County Commissioners.
- . The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Cover Sheet Plan Pg 1 (PDF)
- Site Development Plan Pg 2 (PDF)
- Grading & Drainage Plan Pg 3 (PDF)
- Site Utility Plan Pg 4 (PDF)
- Site Elevations Plan Pg 5 (PDF)
- Site Elevations Plan Pg 6 (PDF)
- Structure Elevations Plan Pg 7 (PDF)

**B. Zoning Memo (ID # 2813)**

Cz-20130003 CONSENT: Zone Map Amendment from A-1 to R-1

Approval of Ordinance **2013-11**

At the March 6, 2012 public hearing, the County Planning Commission voted 6-0 (Commissioner Sanchez excused) to recommend approval of a zone map amendment from A-1 to R-1 on Tract 263A and 263B MRGCD Map No. 41 in Section 30, T10N, R3E, located at 1054 and 1058 Sunset Rd. SW, zoned A-1 and containing 5.09 acres. The decision was based on the following Six (6) Findings.

1. This is a request of a zone map amendment from A-1 to R-1 on Tracts 263A and 263B MRGCD Map No. 41, located at 1054 and 1058 Sunset Road SW, zoned A-1 and containing approximately 5.09 acres.
2. The property is located in the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan.
3. This request is consistent with Resolution 116-86 in that it does not constitute a “spot zone” as R-1 zoning exists directly east and west of the subject site.
4. The request is consistent with policies identified in the Southwest Area Plan and the Albuquerque/Bernalillo County Comprehensive Plan in that both plans call for the stabilization of residential zoning.
5. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area where this request is consistent with existing residential densities and adjacent to R-1 zoning.
6. This request is consistent with health, safety, and general welfare of the residents of the County.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)

**C. Zoning Memo (ID # 2814)**

Csu-20130008 CONSENT: Special Use Permit for a School Bus Operation, Parking, Office and a Caretaker's Quarters

Approval

At the March 6, 2013 public hearing, the County Planning Commission voted 6-0 (Commissioner Sanchez excused) to recommend approval of a Special Use Permit for School Bus Operation, Parking, Office, and a Caretaker Quarters on a tract of land in the SE ¼, SE ¼, SW ¼ of Section 25, T10N, R2E, located at 1325 Foothill Drive SW, zoned A-1 and containing 8.85 acres. The decision was based on the following Finding and is subject to the following Six (6) Findings and Nineteen (19) Conditions.

Findings:

1. The request approval of a Special Use Permit for a School Bus Operation, Parking, Office and a Caretaker's Quarters on a tract of land in the SE ¼, SE ¼, SW 1/4 Section 25, T10N, R2E, located at 1325 Foothill Drive SW, zoned A-1 and containing approximately 8.85 acres.
2. The subject site is located in the Developing Urban as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five (5) of the South West Area Plan.
3. This request is consistent with Resolution 116-86 in that there have been changed neighborhood conditions consistent with the requested use in the general vicinity of the subject site.
4. This request is consistent with Resolution 116-96 in that this land use is more advantageous to the community in that it encourages a small-scale, locally owned and operated industry that complements residential areas and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque Bernalillo County Comprehensive Plan.
5. This request is consistent with Resolution 116-86 in that the Special Use Permit will act as a transition between adjacent zones, and the conditions of approval apply regulations that require the applicant to minimize impacts to adjoining properties.
6. This request is consistent with the health, safety, and general welfare of the residents of the County.

**Conditions:**

1. The applicant shall obtain Surface Disturbance Permit from the Albuquerque-Bernalillo County Air Quality Control Board prior to any earthmoving activities involving a parcel of 3/4 of an acre or more. A copy of the permit shall be submitted to Public Works Natural Resource Services.
2. The applicant shall obtain a water and sanitary sewer availability statement from the Albuquerque/Bernalillo County Water Utility Authority and shall connect to the Albuquerque/Bernalillo County sewer or acquire a wastewater operator permit or wastewater system permit in accordance with the Bernalillo County Wastewater Ordinance 2006-1. Copies are to be provided to the Public Works Natural Resource Services.
3. The applicants shall obtain permits for existing and/or proposed water wells, in accordance with the Bernalillo County Water Well Ordinance 2005-19.
4. The operation of diesel powered vehicles or other vehicles at the site shall comply with the Albuquerque-Bernalillo County Air Quality Control Board Regulation No. 103 (20.11.103 NMAC, Motor Vehicle Visible Emissions) and the Bernalillo County Noise ordinance (Chapter 30 Article IV).
5. All on-site maintenance of vehicles is prohibited unless performed within an enclosed building.

6. A Final Grading & Drainage Plan must be submitted to Bernalillo County Public Works for approval within 60 days following Bernalillo County Commissioners approval of this Special Use Permit and any improvements shown on the approved plan must be constructed within 90 days following approval of the Final Grading & Drainage Plan.
7. Within 60 days of approval, a landscaping plan meeting the requirements of the Water Conservation Ordinance must be submitted to Public Works Natural Resource Services.
8. In the event future residential uses are developed adjacent to the subject site, a solid wall or fence at least six feet high, consistent with Code requirements, shall be erected within 120 days from the date of residential construction.
9. Off-street parking shall be as shown on the site plan.
10. The parking area designated for the proposed use shall be as shown on the site plan.
11. Lighting shall be site specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
12. A fifteen foot landscape buffer, consisting of trees (30 feet on center) and shrubs along Old Coors Road shall be erected consistent with Code requirements.
13. No outdoor speakers or amplified sound systems shall be permitted.
14. A Traffic Scoping report shall be submitted to the Bernalillo County Public Works Division for review and approval within 60 days following Bernalillo County Commissioners approval of this Special Use Permit.
15. The applicant shall acquire a Bernalillo County business license for the operation at this location.
16. The Special Use Permit shall be issued for fifteen (15) years.
17. The applicant shall submit three copies of the revised site development plan consistent with the Conditions of approval to the Zoning Administrator within two months after the final Board of County Commissioners approval. The site development plan shall include the following changes:
  - a. Revised the "Vicinity Map" to indicate the proposed site.
  - b. Under Notes, include the irrigation method proposed for the landscaping.
  - c. Include the drainage flows and ponding areas on the site plan.
  - d. Remove note concerning shared access and remove boundary line indicated.
  - e. Under Legend, delete reference "----- Limits of SU Permit (+ 2.51 AC)" and delete the boundary line indicated.
  - f. Include accessory buildings/storage sheds and storage area.
  - g. Identify handicap parking space.
  - h. Include the height of the fencing around the perimeter of the site.

18. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
19. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Site Plan(PDF)

**D. Zoning Memo (ID # 2815)**

Csu-20130004 CONSENT: Special Use Permit for a Planned Development Area

**Approval**

At the March 6, 2013 public hearing, the County Planning Commission voted 5-0 (Commissioners Chavez & Sanchez excused) to recommend approval of a Special Use Permit for a Planned Development Area for a 20 acre Tract in the Town of Atrisco Grant within West ½ of the Southwest ¼ of Section 10, Township 9 North, Range 2 East, located at 3620 Grace Vigil Road SW, zoned A-1 and containing approximately 20 acres. The decision was based on the following Six (6) Finding and is subject to the following Thirteen (13) Conditions.

**Findings:**

1. The request is for a Special Use Permit for a Planned Development Area for a 20 acre Tract in the Town of Atrisco Grant within West ½ of the Southwest ¼ of Section 10, Township 9 North, Range 2 East, located at 3620 Grace Vigil Road SW, zoned A-1 and containing approximately 20 acres.
2. The subject site is located in the Developing Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five (5) of the Southwest Area Plan.
3. This request is consistent with Resolution 116-86 in that, as articulated Policy d of the Developing Urban Area, Albuquerque/Bernalillo County Comprehensive Plan, it is of a residential nature and would continue to respect existing neighborhood values.
4. The request is consistent with Resolution 116-86 in that this proposed density is consistent with the maximum overall density of six dwelling unit per acre as articulated in Policy 30 of the Southwest Area Plan.
5. This request is consistent with Resolution 116-86 in that the proposed land use would be advantageous to the community in that the use of a residential nature and would continue to stabilize residential zoning as articulated in Policy 29 of the Southwest Area Plan.
6. This request is consistent with the public interest, health, safety, and general welfare of the community.

## Conditions:

1. The applicant shall obtain a Surface Disturbance Permit from the City of Albuquerque Environmental Health Department prior to any earthmoving activities involving a parcel of  $\frac{3}{4}$  of an acre or more. A copy of the permit shall be submitted to the Zoning, Building & Planning Department and to the Public Works Division, Natural Resources Section.
2. The applicant shall provide a copy of the water and sanitary sewer availability statement to the Bernalillo County Public Works Division, Natural Resources.
3. The applicant shall establish a Homeowner's Association for the maintenance of all landscaped areas, including the Open Space Area, as indicated on the site development plan for landscaping (page 2 of 4 of the Revised Site Plan dated February 26, 2013).
4. A 15-foot or greater landscape buffer from curb to wall shall be implemented along Grace Vigil Road and, if Condershire Drive is to be a constructed Bernalillo County roadway, a 10 foot landscape buffer separating Condershire Drive from the designated open space shall be incorporated into the site development plan.
5. Site lighting shall be site specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses unto adjacent lots. Outdoor poles shall not exceed sixteen (16) feet in height above existing grade.
6. A six-foot CMU wall shall be installed around the site and the wall design shall be varied and employ principals from the City of Albuquerque "Wall Design Criteria" and treated with an anti-graffiti coating.
7. The final site plan shall provide staggered front yard setbacks for all properties adjacent to interior streets. In no case shall a front yard setback be less than fifteen feet.
8. The applicant shall provide to the Public Works, Natural Resources Section a vector (rodents and mosquitoes) control plan for the storm water retention structure to be located at the southeast corner of the site.
9. The applicant shall submit a copy of the approved Traffic Impact Analysis to the Planning and Zoning Department. The Traffic Impact Analysis is a requirement by the New Mexico Department of Transportation.
10. The applicant shall comply with all Bernalillo County ordinances and regulations.
11. The Special Use Permit shall be issued for the life of the use.
12. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and application to the Zoning Administrator within two months after the final Board of County Commissioners approval. The site development plan shall include the following:
  - a. Correct the square footage of lots 18, 19, 26 and 27.



- b. Add a note include the Water Harvesting & Evaluation approved by the Public Works Division, Natural Resources Section prior to subdivision plat.
  - c. Modify the landscaping plan to include a buffer acceptable to PNM at the northeast end of the site adjacent to the developed Lot 1, Lands of Michael D. Chavez and the southeast end site adjacent to Tract Z, Land of Westland Development Co., Inc.
13. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Revised site plan page 1 2-26-13 (PDF)
- Revised site plan page 2 2-26-13 (PDF)
- Revised site plan page 3 2-26-13 (PDF)
- Revised site plan page 4 2-26-13 (PDF)

**E. Zoning Memo (ID # 2816)**

Csu-20130006 CONSENT: Special Use Permit for Specific Use for RV Park and Campground Approval

At the March 6, 2013 public hearing, the County Planning Commission voted (4-0; Commissioners Atencio, Chavez, and Sanchez excused) to recommend approval for a Special Use Permit for an RV Park and Campground on Tract K-2 and K-3 Lands of Canyon Investment Company, located at 846 New Mexico 333, Tijeras, zoned A-2 with a Special Use Permit for a Trailer Court and the Storage of Recreational and Damaged Vehicles and containing approximately 36.23 acres. The decision was based on the following seven (7) Finding and is subject to the following fifteen (15) Conditions.

**Findings:**

- . This request is for a Special Use Permit an RV Park and Campground on Tracts K-2 and K-3 Lands of Canyon Investment Company, located at 846 New Mexico 333, Tijeras, zoned A-2 with a Special Use Permit for a Trailer Court and the Storage of Recreational and Damaged Vehicles and containing approximately 36.23 acres.
- . This recreational retreat site has existed since 1976.
- 3. This use will have no adverse effect on the neighborhood nor seriously conflict with the character of the area if Conditions of Approval are adhered to.
- 4. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.

5. This request is consistent with the Resolution 116-86 in that this land use is more advantageous as it preserves a sizeable property for low intensity recreational uses.
6. This request is consistent with the health, safety, and general welfare of the residents of the County.
7. Special Use Permit CSU-20130006 will supersede CSU-78-6.

Conditions:

- . Lighting shall be site specific, shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
- . Uses for this site shall be limited to camping and associated activities which shall not go on after 10:00 p.m. No concerts or other events which produce loud amplified sound shall be allowed.
- . There shall be a limit of 108 RV spaces and 11 camping spaces, inclusive of one vehicle parking space for each campsite. Each space shall measure 1000 or more square feet and be clearly marked and visible from the internal roadway.
- . Within sixty (60) days of final approval from the Board of County Commissioners, the applicant shall submit a Fire Protection Plan to the Bernalillo County Fire Department for review and approval by a Fire Code Official. The applicant shall provide a copy of final approval to the Zoning Administrator for inclusion with the corresponding file.
- . Outdoor storage shall not be permitted except where designated for vehicles.
- . Owner must maintain clear access to all structures for emergency vehicles and equipment.
- . Internal road must be gravel and provide clear access to emergency vehicles and equipment at all times.
- . Landscaping for the Special Use Permit shall meet the standards outlined in the Zoning Ordinance, including:
  - a. There shall be a landscaped buffer along all streets of no less than 20 feet.
  - b. There shall be a landscaped buffer (existing vegetation) of no less than six (6) feet maintained along the portions of the property adjacent to residential uses.
  - c. Landscape that dies shall be replaced or removed.
- . Within sixty (60) days of final approval from the Board of County Commissioners, the applicant shall submit a Traffic Scoping Report to the Bernalillo County Public Works Division for review and approval. The applicant shall provide a copy of final approval to the Zoning Administrator for inclusion with the corresponding file.
- . Within sixty (60) days of final approval from the Board of County Commissioners, the applicant shall submit a Site Threshold Assessment to the New Mexico Department of Transportation for review and approval. The applicant shall provide a copy of final

approval to the Bernalillo County Public Works Division and to the Zoning Administrator for inclusion with the corresponding file.

- . The applicant shall revise the site plan to show drainage infrastructure and submit a copy to Bernalillo County Public Works Division.
- . The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
- . The Special Use permit shall be issued for twenty (20) years.
- . A revised site development plan consistent with the Conditions of approval and including campsite dimensions, parking calculations, landscape legend, and signage shall be submitted to the Zoning Administrator within two months after the final Bernalillo County Commission approval.
- . If conditions of approval are not met within one year, the Special Use Permit shall be cancelled consistent with procedures in the Zoning Ordinance.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Revised Site Plan (PDF)

## **4. PUBLIC HEARING**

### **A. Zoning Memo (ID # 2817)**

Spr-20130001 PUBLIC HEARING: Update the Albuquerque/Bernalillo County Comprehensive Plan

#### **Approval**

At the March 24, 2013 hearing, the County Planning Commissioners (CPC) voted (6-0: Sanchez excused) to recommend approval of an update of the Albuquerque/Bernalillo County Comprehensive Plan.

The Planning Department in cooperation with the City of Albuquerque proposes an update to the Comprehensive Plan. This update will incorporate new demographic data and plans that have been vetted by the public and formally adopted by the Board of County Commissioners.

The Comprehensive Plan has not been updated in ten years and a number of plans have been adopted in Bernalillo County that has established new Commercial Village Centers and Corridors. Recognizing these new plans will serve as a guide for future development and provide a process for ensuring that development in Bernalillo County is comprehensively planned in order to ensure adequate and timely provision of infrastructure, public facilities, and employment to support the population; provide for appropriate patterns of land and infrastructure development; and achieve the goals, objectives and policies of these most recent planning efforts.

## ATTACHMENTS:

- Agenda Item (PDF)
- Attachment 1 CPC Notice of Decision (PDF)
- Attachment 2 Meno and Application (PDF)
- Attachment 3 CPC Minutes (PDF)
- Attachment 4 Comments Submitted for CPC Hearing (PDF)
- Activity Centers & Transportation Corridors Fig 30 Dated 2003 1 (PDF)
- Activity Centers & Transportation Corridors Fig 30 2 (PDF)
- Activity Centers & Transportation Corridors Fig 32 3 (PDF)

<b>RESULT:</b>	<b>DEFERED [UNANIMOUS]</b>	<b>Next: 5/28/2013 3:00 PM</b>
<b>MOVER:</b>	Maggie Hart Stebbins, Chair	
<b>SECONDER:</b>	Wayne A. Johnson, Member	
<b>AYES:</b>	Hart Stebbins, O'Malley, De La Cruz, Talbert, Johnson	

## 5. APPEALS

### A. Zoning Memo (ID # 2587)

Co-20130003\_Ba-20110021\_Za-20100120 APPEAL: the Zoning Administrator's Denial of an Administrative Amendment to an Existing Special Use Permit for a Mobile Home Park

Denial of the appeal

At the March 26, 2013 hearing the BCC deferred this item for one month. At the February 26, 2013 public hearing, this appeal request for an administrative amendment to a Special Use Permit for a Mobile Home Park (CO-20130003/BA-20110021/ZA-201000120) was deferred by the Board of County Commissioners for 30 days to allow the applicant to revise the site plan under consideration for the Administrative Amendment to the Special Use Permit.

Since the January 22, 2013 hearing the appellant has informed county staff that a revised site plan is in the process of completion. The revised site plan is intended to provide sufficient detail to comply with the original intent of the original Special Use Permit but provide a path for consideration of an alternative site layout.

At the December 5, 2012 hearing, the Board of Adjustment (BA) cast a tie vote, which neither upheld nor overturned the Zoning Administrator's decision in denying an administrative amendment to an existing Special Use Permit. The (BA) voted 3 - 3 (Commissioners Sanchez, Chavez & Malry opposed; Barbour excused). A tie vote does not impact the previous decision of the Zoning Administrator.

This request presented to the (BA) on December 5, 2012 was an appeal of the Zoning Administrator's decision to deny an administrative amendment request to an existing Special Use Permit for a Mobile Home Park (CSU-83-6). This matter was remanded from the June 6, 2012 Board of Adjustment meeting to the Zoning Administrator for the September 11, 2012 hearing. This request has been deferred several times previously in order to allow the applicant to meet the requirements of an administrative amendment.

Section 24.A.2.j. of the Comprehensive Zoning Ordinance of Bernalillo County allows the granting of an administrative amendment to an existing Special Use Permit. The criteria for an administrative amendment requires that any such amendment shall result in an equal or less

intense use of the land than that first approved by the Board of County Commissioners; and that no minimum requirement or additional requirement imposed on any development plan by the Board of County Commissioners would be modified.

The Zoning Administrator determined that based on the submitted materials that this standard had not been met.

**HISTORY:**

01/22/13                      Board of County Commissioners                      **DEFERED**  
Next: 02/26/13

Deferred for one month.

02/26/13                      Board of County Commissioners                      **DEFERED**  
Next: 03/26/13

Enrico Gradi presented the cases.

03/26/13                      Board of County Commissioners                      **DEFERED**  
Next: 04/23/13

**COMMENTS - Current Meeting:**

Commissioner O'Malley moves to grant the appeal with an amendment to #8 on Findings and Conditions and that the owner must complete the landscaping within 6 months.

**ATTACHMENTS:**

- Agenda Item 1-22-2013 (PDF)
- Attachment 1 Request for Deferral (PDF)
- Attachment 2 Letter from Applicants Attorney (PDF)
- Attachment 3 Appeal Application and Submitted Materials (PDF)
- Attachment 4 BA Notice of Decision (PDF)
- Attachment 5 BA Staff Report (PDF)
- Attachment 6 Minutes from BA (PDF)
- Materials submitted to BA for December hearing (PDF)
- Support of the Cancellation 1-13-13 (PDF)
- Letter from Appellant 2-19-13 (PDF)
- Letters from North Valley Neighborhood Opposition 2-21-13 (PDF)
- Revised \_Site Plan 2-12-13 (PDF)
- Revised\_Landscape Plan 1-31-13 (PDF)
- Agenda Item 2-26-2013 (PDF)
- Agenda Item 3-26-2013 (PDF)
- Letters from North Valley Neighborhood Opposition 3-19-13 (PDF)
- Direction Response Letter 3-13-13 (PDF)
- Site and Landscape Plan 3-11-13 (PDF)
- Agenda Item 4-23-2013 (PDF)
- Attachment 1 Request for Deferral from Appellants Attorney 1-7-2013 (PDF)
- Attachment 2 Letter from Appellants Attorney 12-17-2012 (PDF)
- Attachment 3 Appeal Application and Submitted Material (PDF)
- Attachment 4 BA Notice of Decision 12-10-2012 (PDF)
- Attachment 5 BA Packet 12-5-2012 (PDF)
- Attachment 6 Minutes from 12-5-2012 BA Hearing (PDF)
- Attachment 7 Material Submitted by Appellants Attorney 11-21-2012 (PDF)
- Attachment 8 Letters from North Valley Neighborhood Opposition 1-13-2013 (PDF)
- Attachment 9 Letters from North Valley Neighborhood Opposition 2-10-2013 (PDF)
- Attachment 10 Letter from Appellants Attorney 2-19-2013 (PDF)
- Attachment 11 Letters from North Valley Neighborhood Opposition 2-21-2013 (PDF)

- Attachment 12 Letters from North Valley Neighborhood Opposition 3-19-2013 (PDF)
- Attachment 13 Site and Landscape Plan 3-2013 (PDF)
- Site\_Landscape Plan 4-16-13 (PDF)
- Letter from Applicant/ Agent 4-16-13 (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Debbie O'Malley, Vice Chair  
**SECONDER:** Maggie Hart Stebbins, Chair  
**AYES:** Hart Stebbins, O'Malley, De La Cruz, Talbert, Johnson

**B. Zoning Memo (ID # 2588)**

Co-20130004\_Csu-83-6 APPEAL: Cancellation of a Special Use Permit for a Mobile Home Park

No recommendation due to a tie vote; staff's request for cancellation moved forward.

At the March 26, 2013 public hearing, the Board of County Commissioners (BCC) deferred this appeal request for the cancellation of a Special Use Permit for a Mobile Home Park (CO-20130004/CSU-83-6) for one month. At the February 26, 2013 public hearing, the case was deferred by the BCC for 30 days to allow the applicant to revise the site plan under consideration for the Administrative Amendment to the Special Use Permit. The request was also deferred for one month at the January 22, 2013 hearing.

At the December 5, 2012 public hearing, the County Planning Commission (CPC) failed, based on a tie vote (3-3, Commissioners Chavez, Malry, Sanchez opposed; Commissioner Barbour excused) to recommend approval or denial of staff's recommendation for cancellation of a Special Use Permit for a Mobile Home Park on Lots 7, 8, 9 & 10, Block 2, Sunnymead Addition, located at 740 Tyler Road NE and 743 & 747 Carlito Road NE, zoned M-H, and containing approximately 1.64 acres. Therefore, the recommendation of staff to cancel the Special Use Permit has been passed along to the Board of County Commissioners with six findings for cancellation (Attachment 1--Notice of Decision; See also Attachment 4-Draft of CPC Minutes).

Due to the continued non-compliance of the property with the approved site plan, dated 2/16/83, staff first notified the property owner of the intent to cancel the Special Use Permit in December 2009. The request was first considered by the County Planning Commission in April 2010, at which time the CPC instructed the property owner to either to comply with the approved site plan or obtain an Administrative Amendment for a new site plan to account for changes to the site, and to propose an alternate landscaping plan. The property owner has elected to seek an Administrative Amendment that would allow for a new site plan that more closely matches the existing mobile home configuration and includes plans for different landscaping on the site.

Since 2010, the Administrative Amendment request (ZA-20100120) has been considered and denied three times by the Zoning Administrator and then appealed to the Board of Adjustment (BA-20110021), while the cancellation request has been deferred several times to allow the Zoning Administrator and the Board of Adjustment to render their decisions. Most recently, the Zoning Administrator denied the request for an Administrative Amendment on November 13, 2012, and the property owner appealed the decision to the Board of Adjustment. Throughout the review and appeal processes, the property has not been in compliance with the approved site plan for the Special Use Permit, in terms of the landscaping and the placement of the mobile homes.

At the December 5, 2012 hearing the Board of Adjustment failed to reach a decision regarding the appeal of the denial of the Administrative Amendment (due to a tie vote), so that the Zoning Administrator's decision was upheld. The CPC then heard the Cancellation request and again failed to reach a decision. The request for cancellation of the Special Use Permit was therefore passed forward to the BCC, with the findings of staff as in the Notice of Decision letter.

The property owner is now appealing the action of the County Planning Commission, together with that of the Board of Adjustment regarding the Administrative Amendment (CO-20130003), which has resulted in the forwarding of the cancellation request to the Board of County Commissioners (Attachment 3). The appeal requests additional consideration of the Administrative Amendment to the Special Use Permit, which could approve a new site plan for the subject property and avoid the cancellation of the Special Use Permit. In addition, the appeal states there is evidence to suggest the property was deemed as in compliance with the Special Use Permit in 1987-1991. Additional materials had been submitted by the appellants and the opponents of the appeal (Attachment 7, Attachment 8).

For the January 22, 2013 BCC hearing, the agent for the appellant requested additional time (e.g., 2-3 months) to submit additional materials (e.g., a site plan) for the appeals (Attachment 5). The BCC granted a 30 day deferral. Since the January 22, 2013 BCC hearing, neighbors have continued to note concerns with the mobile home park (Attachments 9, 11). The cancellation request was deferred again at the February 26, 2013 BCC hearing to allow the appeal of the Administrative Amendment request to be addressed through a revised site plan. The appellant had requested the new site plan be approved and the cancellation request be withdrawn (Attachment 10). In February, the BCC deferred the cancellation request for one month to allow the appellant to make additional changes to the site plan for the Administrative Amendment. In March, the BCC also deferred the request for one month.

**HISTORY:**

01/22/13	Board of County Commissioners	DEFERED
Next: 02/26/13		
Deferred for one month.		
02/26/13	Board of County Commissioners	DEFERED
Next: 03/26/13		
03/26/13	Board of County Commissioners	DEFERED
Next: 04/23/13		

**COMMENTS - Current Meeting:**

See 5A

**ATTACHMENTS:**

- Agenda Item 1-22-2013 (PDF)
- Attachment 1 Notice of Decision (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Attachment 3 Appeal Application (PDF)
- Attachment 4 CPC Minutes (PDF)
- Attachment 5 Request for Deferral Reschedule (PDF)
- Site Plan 2-16-83 (PDF)
- Support of the Cancellation 11-21-12 (PDF)
- Support of the Cancellation 1-13-13 (PDF)
- Agenda Item 2-26-2013 (PDF)

- Letter from Appellant 2-19-13 (PDF)
- Letter from Northeast Valley Neighborhood Association 2-21-13 (PDF)
- Agenda Item 3-26-2013 (PDF)
- Agenda Item 4-23-2013 (PDF)
- Attachment 1 CPC Notice of Decision 12-10-2012 (PDF)
- Attachment 2 CPC Staff Report (PDF)
- Attachment 3 Appeal Application (PDF)
- Attachment 4 Draft CPC Minutes (PDF)
- Attachment 5 Request for Deferral Reschedule 1-7-2013 (PDF)
- Attachment 6 Site Plan 2-16-83 (PDF)
- Attachment 7 Letters in Support of Cancellation 11-21-2012 (PDF)
- Attachment 8 Letters in Support of Cancellation 1-13-2013 (PDF)
- Attachment 9 Letters in Support of Cancellation 2-11-2013 (PDF)
- Attachment 10 Letter from Appellant 2-19-2013 (PDF)
- Attachment 11 Letters in Support of Cancellation 2-21-2013 (PDF)

### C. Zoning Memo (ID # 2810)

Co-20130007\_Ba-20130002\_Za-20120161 APPEAL: the Board of Adjustment's Decision Upholding the Zoning Administrator's Denial of a Conditional Use Permit to Allow a School.

#### Denial of the Appeal

On March 6, 2013, the Board of Adjustment (BA) voted 3-2 (Commissioners Becerra and Atencio opposed) to uphold the Zoning Administrator's decision to deny a conditional use approval for a school. The appellant indicates that the proposed school presents a use that will not have an adverse effect on the neighborhood, can be developed in such manner that undue traffic hazards will not be created and that the proposed site is adequate in size and shape. The request was originally presented to the Zoning Administrator on December 11, 2012.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes the Board of County Commissioners to affirm, deny, change, or modify the previous decision of the BA, or in lieu thereof, make such other or additional determination as it shall deem proper [Sec. 24.B.4.f(2)].

#### ATTACHMENTS:

- Agenda Item (PDF)
- Attachment 1 Appeal Application and Submitted Material (PDF)
- Attachment 2 BA Notice of Decision and Sign in Sheet 3-8-2013(PDF)
- Attachment 3 BA Packet 3-6-2013 (PDF)
- Attachment 4 ZA Notice of Decision and Sign in Sheet 12-18-2012 (PDF)
- Attachment 5 Minutes from March 6 2013 BA Hearing (PDF)
- Buffer Map 4-18-2013 (PDF)
- Petition (PDF)
- Letter from Myers, Oliver and Price 3-28-2013 (PDF)
- Letter from NA 4-15-2013 (PDF)
- Letter Requesting Deferral 4-18-2013 (PDF)
- Ste Plan (PDF)



<b>RESULT:</b>	<b>DEFERED [UNANIMOUS]</b>	<b>Next: 5/28/2013 3:00 PM</b>
<b>MOVER:</b>	Maggie Hart Stebbins, Chair	
<b>SECONDER:</b>	Lonnie Talbert, Member	
<b>AYES:</b>	Hart Stebbins, O'Malley, De La Cruz, Talbert, Johnson	

**D. Zoning Memo (ID # 2811)**

Co-20130006\_Ba-20130003\_Za-20120159 APPEAL: the Board of Adjustment's Decision Upholding the Zoning Administrator's Approval of a Conditional Use Permit to Allow an Accessory Structure in Excess of 600 Square Feet.

**Denial of the Appeal**

On March 6, 2013, the Board of Adjustment (BA) voted 5-1 (Commissioner Becerra opposed) to uphold the Zoning Administrator's decision to grant conditional use approval for an accessory structure in excess of 600 square feet. The appellant indicates that the proposed accessory structure presents a use that will have an adverse effect on the neighborhood. It appears that the primary concern is the risk of compromising view corridors and that the size of the structure will compromise the character of the neighborhood. The appellant has also submitted a petition to invoke the 20% rule. The request was originally presented to the Zoning Administrator on December 11, 2012.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes the Board of County Commissioners to affirm, deny, change, or modify the previous decision of the BA, or in lieu thereof, make such other or additional determination as it shall deem proper [Sec. 24.B.4.f(2)].

**COMMENTS - Current Meeting:**

Commissioner Johnson moved to deny the appeal and to uphold the Board of Adjustments decision to uphold the Zoning Administrators decision in approving a conditional use to allow an accessory building in excess of 600 sq ft in area.

**ATTACHMENTS:**

- Agenda Item (PDF)
- Attachment 1 Appeal Application and Submitted Materials (PDF)
- Attachment 2 BA Notice of Decision and Sign in Sheet 3-8-2013 (PDF)
- Attachment 3 Photos Presented at BA Hearing (PDF)
- Attachment 4 BA Packet 3-6-2013 (PDF)
- Attachment 5 ZA Notice of Decision and Sign in Sheet 12-18-2012 (PDF)
- Attachment 6 Minutes from March 6 2013 BA Hearing (PDF)
- Letter from Applicant 4-9-2013 (PDF)
- Site Plan(PDF)

<b>RESULT:</b>	<b>DEFEATED [UNANIMOUS]</b>
<b>MOVER:</b>	Wayne A. Johnson, Member
<b>SECONDER:</b>	Maggie Hart Stebbins, Chair
<b>AYES:</b>	Hart Stebbins, O'Malley, De La Cruz, Talbert, Johnson

**6. Announcement of next Commission Meeting:****A. Tuesday, May 28, 2023 Zoning Meeting @ 3:00 p.m., Vincent E. Griego Chambers**

- 7. Signing of official Documents**
- 8. Adjournment of Meeting**